

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/665,169
Inventor : SNELL, Alan Kay
Filed : September 18, 2003
TC/AU : 3761
Examiner : GIBSON, Keshia L.

Confirmation No. 6319

Docket No. : 1032.005
Customer No. : 36790

RULE 131 DECLARATION BY ALAN KAY SNELL

Via U.S. Express Mail

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, Alan Kay Snell, hereby declare under penalty of perjury:

1. On February 26, 2003, I mailed via U.S. Certified Mail a provisional patent application to the U.S. Patent & Trademark Office ("USPTO"), for which I am identified as the inventor.
2. This provisional patent application was received by the USPTO on March 4, 2003, and received this date as the official filing date. The USPTO further assigned serial number 60/451,433 to this provisional application (hereinafter "Provisional Application").
3. The Provisional Application contained four pages of color reproductions of sixteen color photographs (hereinafter the "Color Photographs").
4. A true and correct copy of the four pages containing the Color Photographs is found in **Exhibit 1** attached hereto.
5. The four pages containing the Color Photographs were included in the count of the number of pages of drawings shown on the provisional cover sheet, which is identified as being a part of the application.

6. The Color Photographs each were numbered as Photo #1 through Photo #16, and reference was made in the written description of the Provisional Application to individual photos of the Color Photographs.
7. On September 18, 2003, the law firm of Thorpe North & Western LLP filed nonprovisional patent application serial number 10/665,169 (the "169 Application"), for which I am identified as the inventor.
8. I have been advised by legal counsel and I understand that each of claims 42, 45-53, 55-65, and 68-76 currently presented in the 169 Application, including newly presented dependent claim 76, legally defines an invention (hereinafter collectively "Inventions").
9. On or before February 13, 2003, I conceived of and reduced to practice each of the Inventions.
10. Documentary evidence of the conception and reduction to practice of each of the Inventions is attached hereto as Exhibits 2-6 and 9, which represent photographs that were taken prior to February 13, 2004 ("The Joey Photographs").
11. The Joey Photographs illustrate a "Joey" diaper changing kit that includes a vacuum-packed diaper and accessories for changing a diaper.
12. The photograph of **Exhibit 2** is a perspective view of the bottom of the "Joey" box illustrating a resealable tab for accessing wipes.
13. The photograph of **Exhibit 3** is a perspective view of the bottom of the "Joey" box illustrating the resealable tab being pulled back to expose a wipe.
14. The photograph of **Exhibit 4** is a perspective view of the top of the "Joey" box illustrating the removal of a tray in which the vacuum-packed diaper and accessories are contained.
15. The photograph of **Exhibit 5** illustrates the complete removal of the tray from the "Joey" box of the photograph of Exhibit 4.
16. The photograph of **Exhibit 6** illustrates contents of the "Joey" box including the vacuum-packed diaper in a reduced configuration. The same diaper in a nominal configuration further is illustrated in the photograph of Exhibit 6 to demonstrate the differences between the reduced configuration and nominal configuration of the diaper.
17. **Exhibit 7** represents the enlargement of the portion of the photograph of Exhibit 6 for viewing of the top of the "Joey" box illustrating a copyright notice of 2002 by Eagle

Rock Design. Eagle Rock Design was a name under which I was developing the vacuum-packed diaper changing kit.

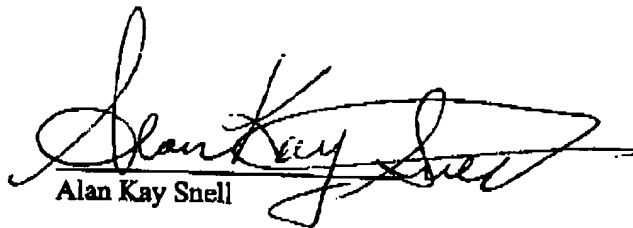
18. **Exhibit 8** represents the enlargement of the portion of the photograph of Exhibit 6 for better comparison of the nominal configuration of the diaper versus the reduced configuration of the vacuum-packed diaper. Exhibit 8 further illustrates graphics printed on the diaper that are viewable through the encasement of the vacuum-packed diaper.
19. The photograph of **Exhibit 9** again illustrates contents of the “Joey” box and includes two “Joey” boxes comparing the front and back sides thereof.
20. **Exhibit 10** represents the enlargement of the portion of the photograph of Exhibit 9 illustrating the graphics of the diaper being viewable through the encasement of the vacuum-packed diaper.
21. **Exhibit 11** is a document created in 2002 that illustrates the dimensions of the tray of the “Joey” box as illustrated in the photographs of Exhibits 2-6 and 9
22. The vacuum-packed diaper of the Joey Photographs is an unsoiled, packaged diaper that has been vacuum sealed within a substantially air impermeable and moisture impermeable encasement. The diaper further is the only diaper disposed within the interior of the sealed substantially air impermeable encasement. The sealed substantially air impermeable encasement maintains at least a partial vacuum state in the interior space, and the encasement is sealed after evacuation of air and creation of the at least partial vacuum state within the interior space of the encasement. The substantially air impermeable encasement is formed of a flexible material.
23. When individually vacuum-packing diapers in 2002 or before, I sometimes had access to and utilized a vacuum-sealing machine as shown in the Color Photographs that were included in the Provisional Application. In doing so, the diaper was disposed within an air impermeable encasement which was placed under the lid of the vacuum-sealing machine. The lid was then lowered to create a chamber and a vacuum was then drawn within the chamber. The vacuum that was drawn was less than 20 millibars. A vacuum sometimes was drawn to less than 10 millibars. After sealing of the encasement within the vacuum chamber, air was restored to the chamber and the lid was raised. It is my understanding that the sealed diaper is reduced in volume and size when the air is restored to the chamber and the lid is lifted as a result of the increased pressure acting

upon the encasement. It further is my understanding that a pressure differential across the sealed substantially air impermeable encasement acts upon the encasement to maintain the diaper in its reduced configuration. Many of the vacuum-packed diapers that I made each had a size no larger than a conventional cigarette pack.

24. When individually vacuum-packing diapers in 2002 or before, I experimented with various diaper configurations within the encasement. I sometimes rolled the diaper into a cylindrical shape and then vacuum-sealed the diaper within the substantially air impermeable encasement. Other times I folded the diaper so that the diaper had a substantially rectangular shape defining a length, a width, and a thickness. Sometimes I folded the diaper at least once along a dimension defining said length. Sometimes I folded the diaper at least twice along a dimension defining said length. Sometimes the vacuum-packed diapers had a reduced length and width each of which was less than about 1/2 of the nominal length and width, respectively, of the diaper. Sometimes the vacuum-packed diapers had a reduced length and width each of which was less than about 1/3 of the nominal length and width, respectively, of the diaper. Sometimes the vacuum-packed diapers had a reduced length and width each of which was less than about 1/4 of the nominal length and width, respectively, of the diaper.

I hereby declare, under penalty of perjury, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

6/21/2005
Date


Alan Kay Snell